#347

BILL NO. Z-88-09-02

ZONING MAP ORDINANCE NO. Z-Lost

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

One Acre of land in the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 31 North, Range 12 East, it being a part of Tract Number 4 of the Plat of Dreyer's Subdivision in Washington Township, as per the recorded Plat in Plat Book 9, page 61 of the Records in the Recorder's Office of Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Southeast corner of Tract Number 4, of the Plat of Dreyer's Subdivision in Washington Township, as per the recorded plat in Plat Book 9, page 61 of the Record's in the Office of Allen County, Indiana; thence running West along the South line of said Tract Number 4, 1,044.2 feet, this point being the Southeast corner of the traverse herein described; thence running North parallel to the East line of said Tract Number 4, 448.8 feet to a stake on the North line of said Tract Number 4; thence running West along the North line of said Tract Number 4, 97.5 feet to a stake; thence running South parallel to the East line of said Tract 4, 448.1 feet to a point marked by a cross cut in the center line of the Ludwig Road, said center line of road being the South line of said Tract Number 4; thence running East along the South line of said Tract 4, and the center line of the Ludwig Road 97.5 feet to the point of beginning.

SUBJECT TO the Ludwig Road upon and over the South 37.5 feet thereof.

and the symbols of the City of Fort Wayne Zoning Map No. K-42, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

307

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference ~~Room 128, City-County~~ Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 9-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	___	7	_____	_____	2
BRADBURY	___	___	_____	_____	✓
BURNS	___	✓	_____	_____	_____
GiaQUINTA	___	___	_____	_____	✓
HENRY	___	✓	_____	_____	_____
LONG	___	✓	_____	_____	_____
REDD	___	✓	_____	_____	_____
SCHMIDT	___	✓	_____	_____	_____
STIER	___	✓	_____	_____	_____
TALARICO	___	✓	_____	_____	_____

DATE: 6-13-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-07-89

on the 13th day of June, 1989,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 1989, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

CKH 17334

№ 2809

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 8/19 1988

RECEIVED FROM R. W. Rain $100.00

THE SUM OF One Hundred 100 DOLLARS

ON ACCOUNT OF 1510 Ludwig

P.O.D.

[signature]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE OFFICE

I/We JAMES W. AND LOUISE J. STOVALL
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an POD District the property described as follows:

SEE ATTACHED DESCRIPTION

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1510 LUDWIG ROAD

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
JAMES W. STOVALL	6826 LIMA ROAD	J. W. Stovall
LOUISE J. STOVALL	6826 LIMA ROAD	Louise J. Stovall

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
JAMES K. STOVALL	2626 JEFFERDS AVE.	424-4540

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

One Acre of land in the Southeast ¼ of the Northeast ¼ of Section 15, Township 31 North, Range 12 East, it being a part of Tract Number 4 of the Plat of Dreyer's Subdivision in Washington Township, as per the recorded Plat in Plat Book 9, page 61 of the Records in the Recorder's Office of Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Southeast corner of Tract Number 4, of the Plat of Dreyer's Subdivision in Washington Township, as per the recorded plat in Plat Book 9, page 61 of the Records in the Recorder's Office of Allen County, Indiana; thence running West along the South line of said Tract Number 4, 1,044.2 feet, this point being the Southeast corner of the traverse herein described; thence running North parallel to the East line of said Tract Number 4, 448.1 feet to a stake on the North line of said Tract Number 4; thence running West along the North line of said Tract Number 4, 97.5 feet to a stake; thence running South parallel to the East line of said Tract 4, 448.1 feet to a point marked by a cross cut in the center line of the Ludwig Road, said center line of road being the South line of said Tract Number 4; thence running East along the South line of said Tract 4, and the center line of the Ludwig Road 97.5 feet to the point of beginning.

SUBJECT TO the Ludwig Road upon and over the South 37.5 feet thereof.

IN WITNESS WHEREOF, I place my hand and seal this 22nd day of December 1987.

William S. Dawn

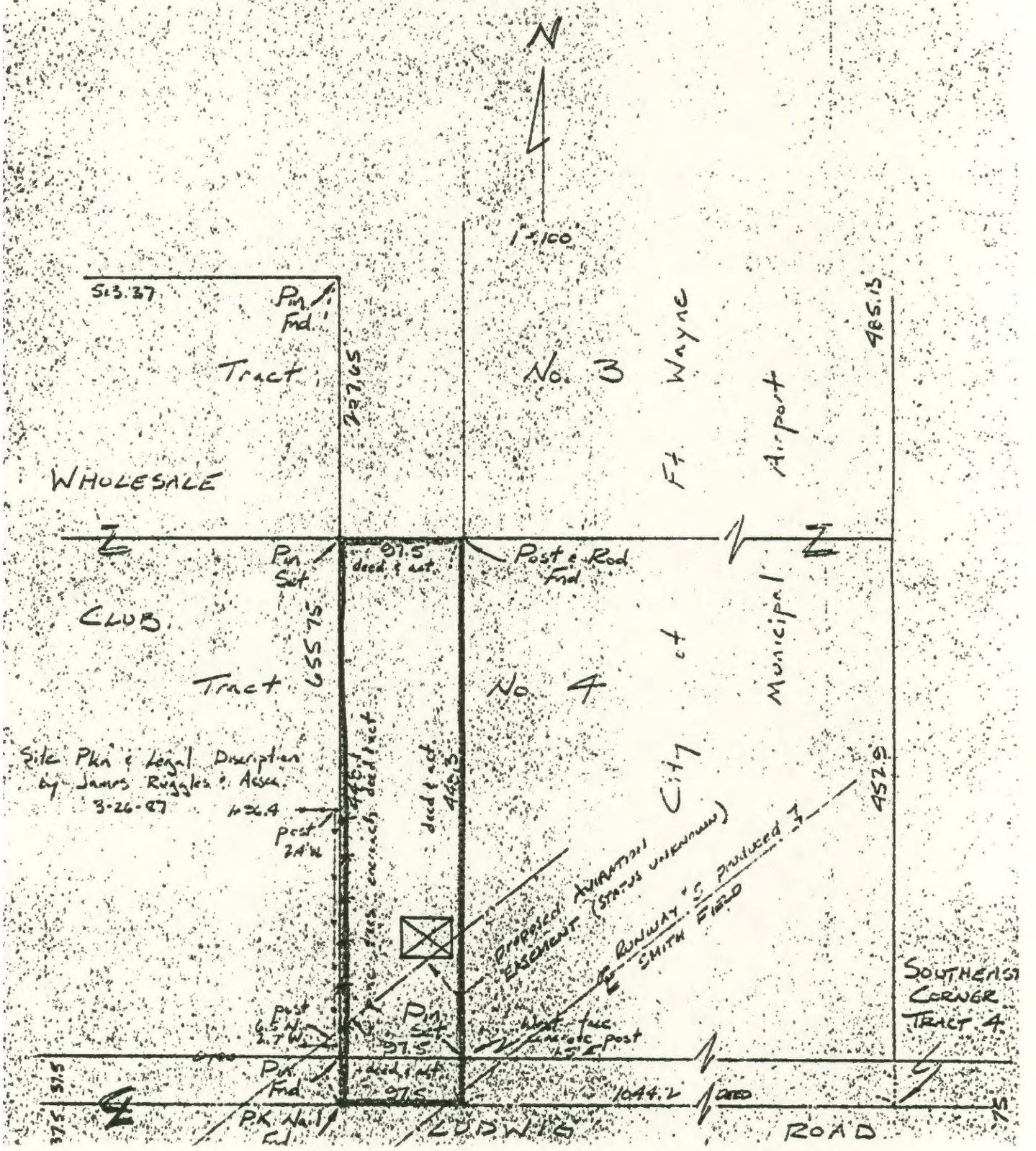
Legal Description from
Closing Affidavit
dated July 1977.

CERTIFICATE OF SURVEY NUMBER _____

OFFICE OF HOFER AND DAVIS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA
A. K. HOFER P.E. No. 72 (1968) L. S. No. 10504
CARL A. HOFER P.E. No. 7122 L. S. No. 10031
WILLIAM S. DAVIS L. S. No. S-0063 L.S. No. 18114 Michigan

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No. SEE ATTACHED SHEET



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 13, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-09-02;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1989.

Certified and signed this
31st day of May 1989.

Robert Hutner
Secretary

FACT SHEET

Z-88-09-02
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1510 Ludwig Road

Reason for Project
Professional Office Development

Discussion (Including relationship to other Council actions)

19 September 1988 - Public Hearing

James K. Stovall, representing the petitioners, James W. & Louise Stovall, appeared before the Commission. Mr. Stovall stated that they were requesting the rezoning in conjuntion with submitting a development plan for the purpose of constructing an office for their construction business. He stated the only problem they had with the staff recommendation is the limiting of no access from Ludwig Road. He stated that without access from Ludwig Road this property would be isolated.

Gary Baeten, Senior Planner with CD&P, stated that there had been some discussion with the State on access to Mr. Stovall's property on S.R. #3. He stated that there is a commitment that all of the property that they own on S.R. #3 is to be served by the access, which is presently installed for the Wholesale Club. He stated that Mr. Stovall owns all of the property with the exception of the property that has been purchased by the Wholesale Club.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) James & Louise Stovall City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [X] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Mr. Stovall stated that they have plans to sell that property and retain ownership only on the property where they build their office.

Mr. Baeten stated they may be able to solve the access problems with an ingress/egress easement across the property.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

26 September 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioners satisfying the following items:

1) An avigation easement is required by the Airport Authority. This easement should be in a form acceptable to that body, and the petitioner should be aware that construction on this site should be reviewed by the Airport Authority, and possibly the FAA.

2) No access should be allowed from Ludwig Road. Access should be achieved from other properties owned by the petitioner. This restriction should be put in a recordable form, and approved by the Plan Commission's attorney. A copy of the recorded easement should be provided that addresses ingress/egress concerns.

3) A landscape buffer should be planted along the Ludwig Road frontage, a minimum of 30 fee deep. This buffer should be approved by CD&P.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote. Motion carried.

NOTE: This ordinance has been held until the petitioners satisfied the conditions.

22 May 1989 - Business Meeting

The petitioner was given six months in which t comply with the conditions that were placed on this request on September 26, 1988. As of this date the petitioner had not complied with those conditions. The petitioner was notified on May 9, 1989 that this request would be placed on the business agenda of the Plan Commission for the May 22nd meeting. He was informed that the Commission would be asked to reconsider, and and recommend a "Do Not Pas recommendation.

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 8-19-88

Projected Completion or Occupancy Date 5-31-89

Fact Sheet Prepared by Date 5-31-89
Patricia Biancaniello

Reviewed by Date 6-1-89
Larry Maglioz

Reference or Case Number

ORIGINAL

#367

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1510 Ludwig Road

Z-89-09-02

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-88-09-02

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Janet G. Bradbury	David C. Long		
D. Schmidt	Samuel J. Talarico		

DATED: 6-13-89

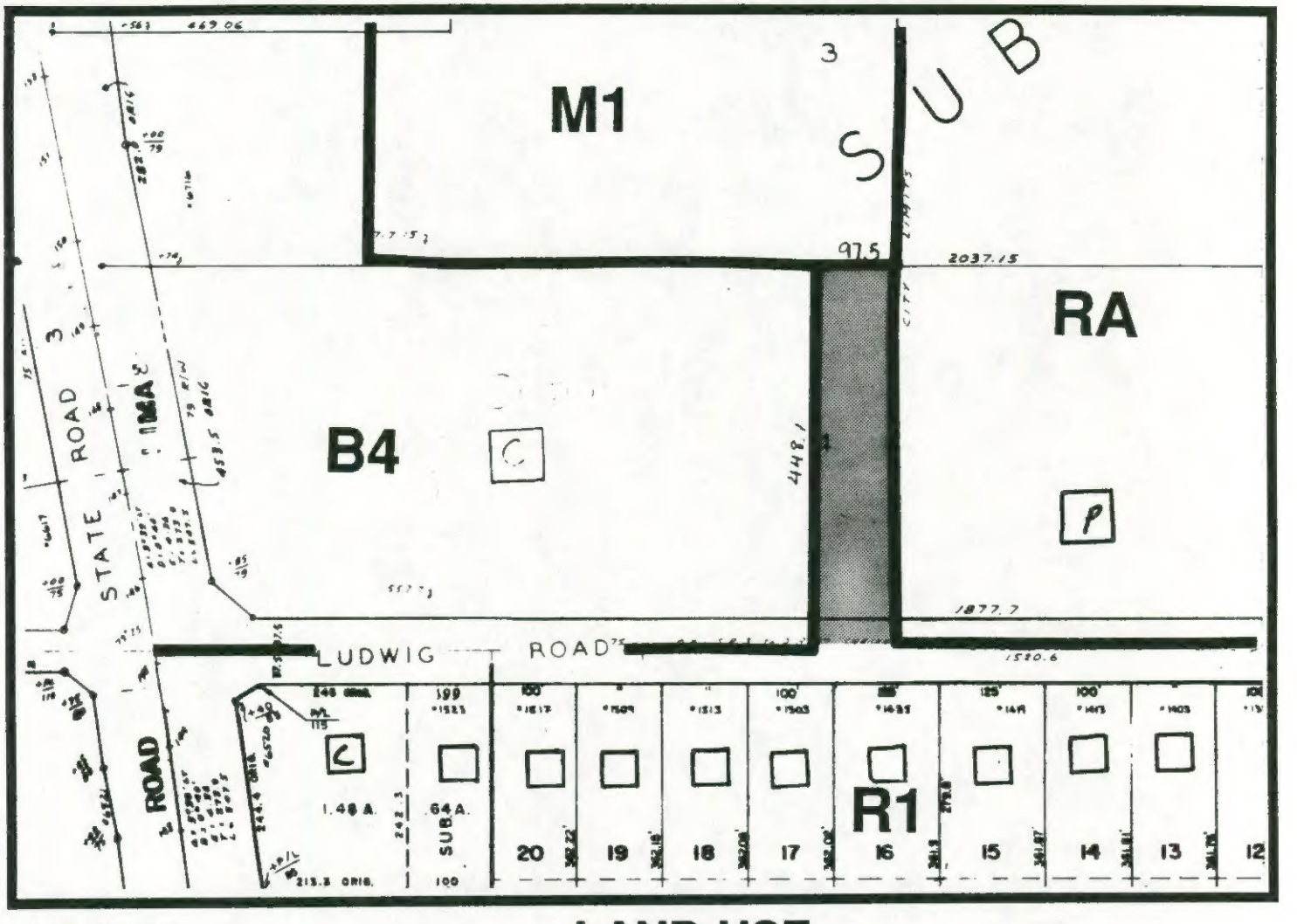
Sandra E. Kennedy
City Clerk

REZONING PETITION #367

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A POD DISTRICT.

MAP NO. K-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTAL DISTRICT

RA RESIDENCE "A"

B4 ROADSIDE BUSINESS

M1 LIGHT INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

[C] *COMMERCIAL*

[P] *PUBLIC (Airport)*

lw

N

SCALE: 1" = 200'

DATE: 8-27-88